

figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

### Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

### Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

### PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

■ 2. Section 39.13 is amended by removing amendment 39-12475 (66 FR 54656, October 30, 2001), and by adding a new airworthiness directive (AD), amendment 39-13742, to read as follows:

#### 2004-15-08 Fokker Services B.V.:

Amendment 39-13742. Docket 2002-NM-280-AD. Supersedes AD 2001-21-04, Amendment 39-12475.

**Applicability:** All Model F.28 Mark 0070 and 0100 series airplanes, certificated in any category.

**Compliance:** Required as indicated, unless accomplished previously.

To ensure that fatigue cracking of certain structural elements is detected and corrected, and to ensure the structural integrity of affected airplanes, accomplish the following:

#### Requirements of AD 2001-21-04

##### Airworthiness Limitations Revision

(a) Within 30 days after December 4, 2001 (the effective date of AD 2001-21-04, amendment 39-12475), revise the Airworthiness Limitations section (ALS) of the Instructions for Continued Airworthiness by incorporating Report SE-623, "Fokker 70/100 Airworthiness Limitations Items and Safe Life Items," of Appendix 1 of Fokker 70/100 Maintenance Review Board (MRB) document, dated June 1, 2000.

(b) Except as provided by paragraph (c) this AD: After the actions specified in paragraph (a) of this AD have been accomplished, no alternative inspections or inspection intervals may be approved for the structural elements specified in the documents listed in paragraph (a) of this AD.

#### New Requirements of This AD

##### New Airworthiness Limitations Revision

(c) Within 6 months after the effective date of this AD, revise the Airworthiness Limitations section (ALS) of the Instructions for Continued Airworthiness by incorporating Fokker Services B.V. Report SE-623, "Fokker 70/100 Airworthiness Limitations Items and Safe Life Items," Issue 2, dated September 1, 2001; and Fokker Services B.V. Report SE-473, "Fokker 70/100 Certification Maintenance Requirements," Issue 5, dated July 16, 2001; into Section 6 of the Fokker 70/100 MRB document. (These reports are already incorporated into Fokker 70/100 MRB document, Revision 10, dated October 1, 2001.) Once the actions required by this paragraph have been accomplished, the original issue of Fokker Services B.V. Report SE-623, "Fokker 70/100 Airworthiness Limitations Items and Safe Life Items," dated June 1, 2000, may be removed from the ALS of the Instructions for Continued Airworthiness.

(d) If the requirements of paragraph (c) of this AD are accomplished within the compliance time specified in paragraph (a) of this AD, it is not necessary to accomplish the requirements of paragraph (a) of this AD.

(e) After the actions specified in paragraph (c) of this AD have been accomplished, no alternative inspections or inspection intervals may be approved for the structural elements specified in the documents listed in paragraph (c) of this AD.

#### Alternative Methods of Compliance

(f) In accordance with 14 CFR 39.19, the Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA, is authorized to approve alternative methods of compliance for this AD.

#### Incorporation by Reference

(g) The actions shall be done in accordance with Fokker Services B.V. Report SE-623,

"Fokker 70/100 Airworthiness Limitation Items and Safe Life Items," dated June 1, 2000; Fokker Services B.V. Report SE-623, "Fokker 70/100 Airworthiness Limitation Items and Safe Life Items," Issue 2, dated September 1, 2001; and Fokker Services B.V. Report SE-473, "Fokker 70/100 Certification Maintenance Requirements," Issue 5, dated July 16, 2001.

(1) The incorporation by reference of Fokker Services B.V. Report SE-623, "Fokker 70/100 Airworthiness Limitation Items and Safe Life Items," Issue 2, dated September 1, 2001; and Fokker Services B.V. Report SE-473, "Fokker 70/100 Certification Maintenance Requirements," Issue 5, dated July 16, 2001; is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of Fokker Services B.V. Report SE-623, "Fokker 70/100 Airworthiness Limitation Items and Safe Life Items," dated June 1, 2000, was approved by the Director of the Federal Register as of December 4, 2001 (66 FR 54656, October 30, 2001).

(3) Copies may be obtained from Fokker Services B.V., P.O. Box 231, 2150 AE Nieuw-Vennep, the Netherlands. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

**Note 1:** The subject of this AD is addressed in Dutch airworthiness directive 2002-062, dated May 31, 2002.

#### Effective Date

(h) This amendment becomes effective on August 31, 2004.

Issued in Renton, Washington, on July 9, 2004.

**Kevin M. Mullin,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 04-16677 Filed 7-26-04; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2002-NM-319-AD; Amendment 39-13744; AD 2004-15-10]

**RIN 2120-AA64**

### Airworthiness Directives; Saab Model SAAB SF340A Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD),

applicable to certain Saab Model SAAB SF340A series airplanes, that requires replacing certain power wires with a modification harness; and testing the new harness installation. These actions are necessary to prevent a momentary loss of data on the left-hand electronic flight instrumentation system (LH EFIS) screens, which could lead to the pilot's loss of situational awareness during initial climb or approach/landing, and possibly result in reduced control of the airplane. This action is intended to address the identified unsafe condition.

**DATES:** Effective August 31, 2004.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 31, 2004.

**ADDRESSES:** The service information referenced in this AD may be obtained from Saab Aircraft AB, SAAB Aircraft Product Support, S-581.88, Linköping, Sweden. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

**FOR FURTHER INFORMATION CONTACT:** Dan Rodina, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2125; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Saab Model SAAB SF340A series airplanes was published in the **Federal Register** on April 1, 2004 (69 FR 17072). That action proposed to require replacing certain power wires with a modification harness; and testing the new harness installation.

## Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

## Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

## Cost Impact

The FAA estimates that 12 airplanes of U.S. registry will be affected by this AD, that it will take approximately 30 work hours per airplane to accomplish the required actions, and that the average labor rate is \$65 per work hour. Required parts will cost approximately \$5,500 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$89,400, or \$7,450 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

## Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

## List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

## Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

## PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

### § 39.13 [Amended]

■ 2. Section 39.13 is amended by adding the following new airworthiness directive:

**2004-15-10 Saab Aircraft AB:** Amendment 39-13744. Docket 2002-NM-319-AD.

**Applicability:** Model SAAB SF340A series airplanes, manufacturer serial number -004 through -028 inclusive; certificated in any category.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent a momentary loss of data on the left-hand electronic flight instrumentation system (LH EFIS) screens, which could lead to the pilot's loss of situational awareness during initial climb or approach/landing, and possibly result in reduced control of the airplane, accomplish the following:

### Replacement and Test

(a) Within 12 months after the effective date of this AD, replace certain power wires with a modification harness, and test the harness installation; by doing all of the actions in, and in accordance with, the Accomplishment Instructions of Saab Service Bulletin 340-29-021, Revision 02, dated October 2, 2002.

### Alternative Methods of Compliance

(b) In accordance with 14 CFR 39.19, the Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA, is authorized to approve alternative methods of compliance for this AD.

### Incorporation by Reference

(c) The actions shall be done in accordance with Saab Service Bulletin 340-29-021, Revision 02, dated October 2, 2002. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Saab Aircraft AB, SAAB Aircraft Product Support, S-581.88, Linköping, Sweden. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

**Note 1:** The subject of this AD is addressed in Swedish airworthiness directive 1-179, dated October 2, 2002.

**Effective Date**

(d) This amendment becomes effective on August 31, 2004.

Issued in Renton, Washington, on July 9, 2004.

**Kevin M. Mullin,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

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**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 2001-NM-270-AD; Amendment 39-13740; AD 2004-15-06]

**RIN 2120-AA64**

**Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to all BAE Systems (Operations) Limited (Jetstream) Model 4101 airplanes, that requires various inspections of the fuselage nose structure between stations 4 and 11, and corrective actions if necessary. This action is necessary to detect and correct fatigue cracking in the primary structure of the nose of the airplane at the forward avionics bay (fuselage stations 4 to 11), which could result in reduced structural integrity of the airplane. This action is intended to address the identified unsafe condition.

**DATES:** Effective August 31, 2004.

The incorporation by reference of certain publications, as listed in the regulations, is approved by the Director of the Federal Register as of August 31, 2004.

**ADDRESSES:** The service information referenced in this AD may be obtained from British Aerospace Regional Aircraft American Support. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

**FOR FURTHER INFORMATION CONTACT:**

Todd Thompson, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-1175; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:**

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all BAE Systems (Operations) Limited (Jetstream) Model 4101 airplanes was published in the **Federal Register** on October 1, 2003 (68 FR 56596). That action proposed to require various inspections of the fuselage nose structure between stations 4 and 11, and corrective actions if necessary.

**Comments**

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received from a single commenter.

**Request To Withdraw Proposed AD**

The commenter, an operator, states that the proposed AD is an unnecessary burden to operators. The commenter suggests that instead of the FAA issuing an AD, the maintenance review board (MRB) report should be revised to include the actions required by the proposed AD. The commenter states that it currently performs numerous inspections for cracking on its fleet of Jetstream Model 4101 airplanes using procedures specified in the commenter's maintenance programs. The commenter notes that BAE Systems (Operations) Limited Service Bulletin J41-53-047, Revision 1, dated July 19, 2002, specifies that when the inspections and procedures in the service bulletin are published in the MRB report and the maintenance planning document (MPD), the inspections and procedures will be deleted from the service bulletin and the MRB report will become the published source document. The commenter also notes that another operator, with a fleet of 27 Jetstream Model 4101 airplanes, did the inspections specified in the service bulletin and did not find any cracking. Compliance with the proposed AD would require the commenter to bring 25 airplanes "off-line" to access and inspect the areas specified in the proposed AD. The commenter states that if the inspection procedures were added to the MRB report through a revision, an operator could merge these inspections into its established maintenance program so the inspections coincide with the operator's heavy

maintenance program, which would reduce the operational impact.

The FAA infers that the commenter is requesting that the AD be withdrawn. We do not agree. The procedures specified in operators' MRB reports are not mandatory. Therefore, we must issue an AD to ensure that the identified unsafe condition is properly addressed. We acknowledge that some operators may currently have maintenance programs that address the unsafe condition. If a program is adequate, an operator would be in a position to request approval for an alternative method of compliance with the AD (*i.e.*, to follow the operator's current program rather than revise it to comply with the AD). Our obligation to issue the AD and address an unsafe condition remains; the rule must apply to everyone to ensure that all affected airplanes are covered, regardless of who operates them. Furthermore, the airworthiness authority for the state of design issued an airworthiness directive mandating the same actions required by this AD. This AD has not been changed regarding this issue.

**Request To Revise Cost Impact Section**

The commenter notes that the figure in the Cost Impact section of the proposed AD does not include incidental costs, such as the time required to gain access and close up an airplane. The commenter states that these costs are not incidental, and that the majority of time required to perform the various inspections is spent accessing the areas to be inspected.

We infer that the commenter is requesting that the Cost Impact section of the proposed AD be revised. We do not agree. As stated in the proposed AD, "the figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD." The specific actions required by the AD are various inspections of the fuselage nose structure between stations 4 and 11. We expect that most operators will be able to do the actions required by this AD during scheduled maintenance. We attempt to set compliance times that generally coincide with operators' maintenance schedules. However, because operators' schedules vary substantially, we cannot accommodate every operator's optimal scheduling in each AD. The time necessary for gaining access to and closing the inspection area is incidental. This AD has not been changed regarding this issue.

The commenter also objects to the FAA's assumption that "no operator would accomplish those actions in the future if this AD were not adopted." The